

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2264

Introduced by Assembly Member De León
(Principal coauthor: Senator Liu)
(Coauthors: Assembly Members Bass, Jones, and Skinner)

February 18, 2010

An act to add Section 1463.011 to the Penal Code, relating to debt collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2264, as amended, De León. Debt collection: homeless youth.

Existing law requires the Judicial Council to adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order.

This bill would prohibit a court from garnishing wages or levying a bank account for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court against a person under 25 years of age who has ~~not paid a ticket~~ *an outstanding unpaid citation* for truancy, loitering, curfew violations, or illegal lodging if the court obtains information that the person is homeless or has no permanent address. This bill would authorize a court to use these collection

procedures when that person is 26 years of age or older. The bill would make related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 ~~following:~~
3 ~~(a) There are approximately 1.6 million homeless youths~~
4 ~~nationwide, according to the United States Department of Justice.~~
5 ~~(b) Youths become homeless and disconnected from their~~
6 ~~parents for three primary reasons:~~
7 ~~(1) They flee homes that have become dangerous.~~
8 ~~(2) Their parents force them from their homes.~~
9 ~~(3) As a matter of state policy, foster youths, who have been~~
10 ~~abused or neglected, are forced onto the streets on their 18th~~
11 ~~birthdays.~~
12 ~~(c) Shelters are frequently full or predominantly serve adult~~
13 ~~homeless persons. These shelters, even when they have available~~
14 ~~space, can be dangerous for youths.~~
15 ~~(d) Despite all of this, homeless youths are routinely ticketed~~
16 ~~for offenses that are the inevitable symptoms of the homelessness~~
17 ~~that adults have imposed upon them. These offenses include~~
18 ~~truancy, loitering, curfew violations, and illegal lodging.~~
19 ~~(e) The California Research Bureau has documented that if a~~
20 ~~homeless youth fails to show up to contest or pay a ticket, that~~
21 ~~homeless youth's wages or bank accounts may be garnished and~~
22 ~~his or her credit report may be damaged.~~
23 ~~(f) Garnishment of the wages and savings of a homeless youth~~
24 ~~and the damage to his or her credit report makes it far harder for~~
25 ~~homeless youths, attempting to pull themselves up by their~~
26 ~~bootstraps, to rent their own apartments and end their homelessness~~
27 ~~by their own willpower and initiative.~~
28 ~~(g) The state should not tolerate practices that promote~~
29 ~~homelessness among its young people. It should certainly not do~~
30 ~~so by taking sums of money from homeless youths trying earnestly~~
31 ~~to work and save their way out of their homelessness, when it is~~
32 ~~the state and adults who have forced these youths into homelessness~~
33 ~~in the first place.~~

1 ~~(h) Moreover, crimes are often made crimes to dissuade~~
2 ~~individuals from engaging in unwanted behavior. But, homeless~~
3 ~~youths are not homeless by election. Thus, because taking money~~
4 ~~from homeless youths makes it more, and not less, likely that they~~
5 ~~will continue to be homeless, these practices actually encourage~~
6 ~~the commission of offenses the laws are meant to dissuade, such~~
7 ~~as vagrancy and loitering.~~

8 ~~(i) It is therefore in the best interest of the state to discourage~~
9 ~~practices that make it more difficult for youths who are homeless~~
10 ~~by the hand of adults to obtain housing on their own, through their~~
11 ~~own hard work, against significant odds, without exculpating them~~
12 ~~from the offenses they commit.~~

13 *SECTION 1. The Legislature finds and declares all of the*
14 *following:*

15 *(a) There are approximately 1.6 million homeless youths*
16 *nationwide, according to the United States Department of Justice.*

17 *(b) Homeless youths become homeless because they flee*
18 *dangerous homes, are barred from home by their parents, or are*
19 *former foster children forced to live on their own at 18 years of*
20 *age.*

21 *(c) Homeless youths are routinely ticketed for offenses that are*
22 *the inevitable symptoms of homelessness. These offenses include*
23 *truancy, loitering, curfew violations, and illegal lodging.*

24 *(d) The California Research Bureau has documented that if a*
25 *homeless youth fails to show up to contest or pay a ticket, that*
26 *homeless youth's wages or bank accounts may be garnished.*

27 *(e) Garnishment of the wages and savings of a homeless youth*
28 *makes it far more difficult for homeless youths to rent their own*
29 *apartments and end their homelessness by their own willpower*
30 *and initiative.*

31 *(f) Moreover, because taking money from homeless youths makes*
32 *it more, and not less, likely that they will continue to be homeless,*
33 *these practices actually encourage the commission of offenses the*
34 *laws are meant to dissuade, including illegal lodging and loitering.*

35 *(g) It is therefore in the best interest of the state to discourage*
36 *wage and bank account garnishment practices that make it more*
37 *difficult for youths who are homeless by the hand of adults to*
38 *obtain housing through their own hard work without exculpating*
39 *them from the offenses they commit.*

40 *SEC. 2. Section 1463.011 is added to the Penal Code, to read:*

1 1463.011. (a) Notwithstanding any other provision of law, if
2 a court, during the course of its routine ~~efforts~~ *process* to collect
3 fees, fines, forfeitures, or other penalties imposed by a court due
4 to *a citation issued for* the violation of a state or local law, obtains
5 information indicating that a person under 25 years of age, who
6 ~~has not paid a ticket~~ *an outstanding unpaid citation* for truancy,
7 loitering, curfew violations, or illegal lodging, is homeless or has
8 no permanent address, the court shall not garnish the wages or
9 levy against bank accounts of that person until that person is older
10 than 25 years of age, as that age is recorded by that person's credit
11 report or other document already in the possession of, *or previously*
12 *provided to*, the court.

13 (b) For purposes of this section a person is considered to be
14 "homeless" or as having "no permanent address" if that person
15 does not have a fixed, regular, adequate nighttime residence, or if
16 that person resides in any of the following:

17 (1) The home of a person who is not his or her parent or legal
18 guardian.

19 (2) A motel, hotel, or campground.

20 (3) An emergency transitional shelter or hospital.

21 (4) A public or private place that is not designed or ordinarily
22 used for a regular sleeping accommodation for human beings,
23 including, but not limited to, a park or other public space, an
24 abandoned building, an automobile or other vehicle, or a bus or
25 train station.

26 (c) Nothing in this section shall be construed to prevent a court
27 from engaging in any other lawful debt collection activities.

28 (d) Nothing in this section shall be construed to require a court
29 to perform any further investigation or financial screening into
30 any matter beyond the scope of its regular duties.

31 (e) Nothing in this section shall be construed to prevent the
32 Judicial Council from altering any best practices or
33 recommendations for collection programs pursuant to Section
34 1463.010.